

Remarks/Arguments

Claims 32, 41 and 44-45 were rejected under 35 USC 103(a) over Vite et al in view of Nakajima et al, and separately over O'Reilly et al in view of Nakajima et al. . Applicants request reconsideration of these rejections for the reasons that follow.

The Examiner does not allege that any of the references is relied on as specifically suggesting to combine epothilone B with a histone deacetylase inhibitor.

Vite et al is relied upon as suggesting to combine epothilone derivatives with a second drug that acts in a different phase of the cell cycle. Vite et al also discloses that the epothilone derivatives exert their effects at the G2-M phase.

Nakajima et al is relied upon as disclosing a histone deacetylase inhibitor, FR901228, and that it exerts its effect at G1 and G2/M phases.

In view of Vite et al's teaching to select a second drug that acts at a different phase of the cell cycle, one of ordinary skill would not choose to combine epothilone B with a histone deacetylase inhibitor because both exert their effects at the G2-M phase.

In view of the disclosure of Vite et al discussed above, the combined disclosure of the references would not lead the skilled artisan to combine epothilone B with a histone deacetylase inhibitor. O'Reilly et al provides no disclosure that would lead the skilled artisan to disregard Vite et al's disclosure.

In view of the discussion above, Applicants assert that the present claims are not prima facie obvious over the combined disclosure of the references and that the rejections should be withdrawn for that reason.

Applicants also provide a copy of Funio et al., Mol. Cancer Ther., 2003;2:971-984, which provides data demonstrating that LAQ824, a histone deacetylase inhibitor, enhances apoptosis of breast cancer cells induced by chemotherapeutic agents, including epothilone B. Applicants assert that this data demonstrates the patentability of the present claims.

Applicants request reconsideration and withdrawal of the rejections under 35 USC 103(a) for these reasons.

Novartis Pharmaceuticals Corporation
One Health Plaza, Bldg. 101
East Hanover, NJ 07936
(862) 778-7824

Date: 12/23/2009

Respectfully submitted,

A handwritten signature in black ink, appearing to read "George Döhmann", written over a horizontal line.

George Döhmann
Attorney for Applicant
Reg. No. 33,593